

ESTTA Tracking number: **ESTTA745375**

Filing date: **05/10/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91225637
Party	Defendant Randa Accessories Leather Goods LLC
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Date	05/10/2016
Attachments	Motion to Consolidate on Consent - Elo Touch Solutions v Randa Accessories.pdf(577494 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Nos. 86496050, 86496040, and 86433479

For the Mark: INTELI TOUCH and INTELI TOUCH
Classes: 18 and 25

ELO TOUCH SOLUTIONS, INC.,

Opposer,

V.

RANDA ACCESSORIES LEATHER
GOODS LLC,

Applicant.

Opposition No.: 91224428

Opposition No.: 91225637

Opposition No.: 91225751



MOTION TO CONSOLIDATE ON CONSENT

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and TBMP § 511, Applicant Randa Accessories Leather Goods LLC (“Applicant”) hereby moves to consolidate the three matters referenced above, with the consent of Opposer, Elo Touch Solutions, Inc. (“Opposer”).

Rule 42(a) provides:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning the proceedings therein as may tend to avoid unnecessary costs or delay.

The above-referenced Opposition proceedings should be consolidated since they involve identical parties, identical marks (within different classes), identical allegations and virtually identical Notices of Opposition. In all of the proceedings, Opposer opposes Applicant's

applications for the mark INTELI TOUCH or  because Opposer owns the mark INTELLITOUCH in Class 9. Opposer alleges that Applicant's use and registration of the mark INTELI TOUCH and  in classes 18 and 25 are likely to cause confusion, and Applicant denies these assertions.

Given the common questions of law and fact which are presented, discovery will be virtually the same for all three proceedings as will the arguments made in briefs. Consolidating these three proceedings will avoid duplication of effort on these factual and legal issues and will therefore avoid unnecessary costs and delays. *S. Industries Inc. v. Lamb-Weston Inc.*, 45 U.S.P.Q.2d 1293, 1297 (TTAB 1997).

Accordingly, Applicant requests, with the consent of Opposer, that Opposition No. 91224428, Opposition No. 91225637 and Opposition No. 91225751 be consolidated.

Dated: May 10, 2016

Respectfully submitted,

OLSHAN FROME WOLOSKY LLP

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Attorneys for Applicant


CERTIFICATE OF SERVICE

I hereby certify that on this day, May 10, 2016, a true and correct copy of the foregoing document entitled:

ANSWER TO NOTICE OF OPPOSITION

was served upon Opposer's Counsel by email, addressed as follows:

cbacall@verrilldana.com


SAFIA A. ANAND